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CODIFICATION

The Individuals with Disabilities Education Act, comprising this chapter, was originally enacted as title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, known as the Education of the Handicapped Act, and amended by Pub. L. 92–318, June 23, 1972, 86 Stat. 235; Pub. L. 93–380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 94–142, Nov. 29, 1975, 89 Stat. 773; Pub. L. 95–49, June 17, 1977, 91 Stat. 230; Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2143; Pub. L. 96–270, June 14, 1980, 94 Stat. 487; Pub. L. 98–199, Dec. 2, 1983, 97

Stat. 1357; Pub. L. 99-159, Nov. 22, 1985, 99 Stat. 887; Pub. L. 99-362, July 9, 1986, 100 Stat. 769; Pub. L. 99-372, Aug. 5, 1986, 100 Stat. 796; Pub. L. 99-457, Oct. 8, 1986, 100 Stat. 1145; Pub. L. 100-630, Nov. 7, 1988, 102 Stat. 3289; Pub. L. 101-476, Oct. 30, 1990, 104 Stat. 1103; Pub. L. 102-73, July 25, 1991, 105 Stat. 333; Pub. L. 102-119, Oct. 7, 1991, 105 Stat. 587; Pub. L. 102-421, Oct. 16, 1992, 106 Stat. 2151; Pub. L. 102-569, Oct. 29, 1992, 106 Stat. 4344; Pub. L. 103-73, Aug. 11, 1993, 107 Stat. 718; Pub. L. 103-218, Mar. 9, 1994, 108 Stat. 50; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518. Title VI is shown herein, however, as having been added by Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 37, without reference to those intervening amendments because of the extensive revision of title VI by Pub. L. 105-17.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1232h, 3441, 4356, 6062, 6143, 6311, 6312, 6314, 6362, 6363, 6366, 6367, 6381d, 6398, 6914, 7151, 7221f, 7269, 7515, 7703, 7703a, 9252 of this title; title 5 section 5924; title 10 section 2164; title 25 section 2503; title 29 sections 721, 2618; title 42 sections 290ff-2, 290ff-4, 300x-1, 1320b-20, 1760, 6024, 9840a.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1400. Congressional statements and declarations

(a) Short title

This chapter may be cited as the “Individuals with Disabilities Education Act”.

(b) Omitted

(c) Findings

The Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142)—

(A) the special educational needs of children with disabilities were not being fully met;

(B) more than one-half of the children with disabilities in the United States did not receive appropriate educational services that would enable such children to have full equality of opportunity;

(C) 1,000,000 of the children with disabilities in the United States were excluded entirely from the public school system and did not go through the educational process with their peers;

(D) there were many children with disabilities throughout the United States participating in regular school programs whose disabilities prevented such children from having a successful educational experience because their disabilities were undetected; and

(E) because of the lack of adequate services within the public school system, families were often forced to find services outside the public school system, often at great distance from their residence and at their own expense.

(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this chapter has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

(4) However, the implementation of this chapter has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

(5) Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

(A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible;

(B) strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

(C) coordinating this chapter with other local, educational service agency, State, and Federal school improvement efforts in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

(D) providing appropriate special education and related services and aids and supports in the regular classroom to such children, whenever appropriate;

(E) supporting high-quality, intensive professional development for all personnel who work with such children in order to ensure that they have the skills and knowledge necessary to enable them—

(i) to meet developmental goals and, to the maximum extent possible, those challenging expectations that have been established for all children; and

(ii) to be prepared to lead productive, independent, adult lives, to the maximum extent possible;

(F) providing incentives for whole-school approaches and pre-referral intervention to reduce the need to label children as disabled in order to address their learning needs; and

(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results.

(6) While States, local educational agencies, and educational service agencies are responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

(7)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society. A more equitable allocation of resources is essential for the Fed-